

REMARKS

In response to the final Office Action dated October 14, 2009, the Assignee respectfully requests continued examination and reconsideration based on the above amendments and on the following remarks.

Claims 45-49, 51-60, and 62-66 are pending in this application.

Rejection of Claims 45-49 & 51-55 under § 102 (c)

The Office rejected claims 45-49 and 51-55 under 35 U.S.C. § 102 (c) as being anticipated by U.S. Patent 6,327,574 to Kramer, *et al.*

These claims, though, are not be anticipated by *Kramer*. These claims recite, or incorporate, features that are not disclosed or suggested by *Kramer*. Independent claim 45, for example, recites “*detecting an insertion event received from the memory.*” Independent claim 45 also recites “*transmitting content items from the memory to an analysis module that calculates a score for each content item by comparing the at least one associated tag to the user profile and that compares the score to a threshold score.*” Support for such features may be found at least at page 11, lines 16-18 and at page 12, lines 17-28.

Kramer does not anticipate these features. *Kramer* discusses how content is selected to appeal to a profile. *Kramer*, for example, describes a webpage that may be customized according to the profile. See U.S. Patent 6,327,574 to Kramer, *et al.* at column 8, lines 15-23. HTML tags are included in the webpage, and *Kramer* evaluates the tags to the profile to produce content options. See *id.* at column 8, lines 24-35. *Kramer* then chooses the option “with the highest degree of appropriateness.” *Id.* at column 8, lines 35-40. *Kramer* also describes multiple, tagged television commercials that are compared to the profile for appropriateness. See U.S. Patent 6,327,574 to Kramer, *et al.* at column 9, lines 45-53. Still, though, *Kramer* fails to teach or suggest “*detecting an insertion event received from the memory.*” The patent to Kramer,

et al. also fails to teach or suggest “*transmitting content items from the memory to an analysis module that calculates a score for each content item by comparing the at least one associated tag to the user profile and that compares the score to a threshold score.*” Independent claim 45, then, cannot be anticipated by *Kramer*.

Claims 45-49 and 51-55, then, are not anticipated by *Kramer*. Independent claim 45 recites distinguishing features, and the dependent claims incorporate these same distinguishing features and recite additional features. *Kramer*, then, cannot anticipate claims 45-49 and 51-55. The Office is thus respectfully requested to remove the § 102 (e) rejection of claims 45-49 and 51-55.

Rejection of Claims 56-60 & 62-65 under § 103 (a)

The Office rejected claims 56-60 and 62-65 under 35 U.S.C. § 103 (a) as being obvious over *Kramer* in view of U.S. Patent 6,081,840 to Zhao.

These claims, though, are not obvious over *Kramer* with *Zhao*. These claims recite, or incorporate, features that are not disclosed or suggested by *Kramer* with *Zhao*. Independent claim 56, for example, also recites “*detecting an insertion event received from the memory*” and “*transmitting content items from the memory to an analysis module that calculates a score for each content item by comparing the at least one associated tag to the user profile and that compares the score to a threshold score.*” As the above paragraphs explained, *Kramer* does not teach or suggest these features, and *Zhao* does not cure *Kramer*’s deficiencies. *Zhao* describes local and source servers for content. The local servers store content that is frequently requested, thereby reducing loading overhead at the source server. *See* U.S. Patent 6,081,840 to Zhao at column 4, lines 42-59. The combined teaching of *Kramer* with *Zhao*, then, still fails to teach or suggest all the features recited by independent claim 56.

Claims 56-60 and 62-65, then, are not obvious over *Kramer* with *Zhao*. Independent claim 56 recites distinguishing features, and the dependent claims incorporate these same

distinguishing features and recite additional features. One of ordinary skill in the art, then, would not think that claims 56-60 and 62-65 are obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.

Rejection of Claim 66 under § 103 (a)

The Office rejected claim 66 under 35 U.S.C. § 103 (a) as being obvious over *Kramer* and *Zhao* in view of U.S. Patent Application Publication 2002/0046099 to Frengut.

Independent claim 66, though, is not obvious over *Kramer* with *Zhao* and *Frengut*. Independent claim 66 also recites features that are not disclosed or suggested by *Kramer* with *Zhao* and *Frengut*. Independent claim 66, for example, also recites “*detecting an insertion event received from the memory*” and “*transmitting content items from the memory to an analysis module that calculates a score for each content item by comparing the at least one associated tag to the user profile and that compares the score to a threshold score.*” As the above paragraphs explained, both *Kramer* and *Zhao* do not teach or suggest these features, and *Frengut* does not cure the deficiencies of *Kramer* and *Zhao*. The published application to Frengut presents a customized web page to a user. *See* U.S. Patent Application Publication 2002/0046099 to Frengut, *et al.* at paragraph [0026]. The user’s profile is compared to an ad profile and matching ads are retrieved. *See id.* The combined teaching of *Kramer* with *Zhao* and *Frengut*, though, still fails to teach or suggest all the features recited by independent claim 66.

Claim 66, then, is not obvious over *Kramer* with *Zhao* and *Frengut*. Independent claim 66 recites many distinguishing features, so one of ordinary skill in the art would not think that claim 66 is obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of this claim.

If any issues remain outstanding, the Office is requested to contact the undersigned at
(919) 469-2629 or scott@scottzimmerman.com.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Scott P. Zimmerman', with a large, stylized 'S' at the beginning.

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